

**MINUTES OF THE GOVERNING BOARD  
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
VICTORVILLE, CALIFORNIA**

**AGENDA ITEM 8**

**DATE:** June 28, 2010

**CONTINUED TO AUGUST 23, 2010**

**RECOMMENDATION:** 1. Conduct a public hearing to consider the amendment of Rule 219 – *Equipment Not Requiring a Permit*; 2. Continue hearing to August 23, 2010.

**SUMMARY:** Rule 219 is proposed for amendment to implement the provisions of Senate Bill 700 of 2003 (Health & Safety (H&S) Code §§40724-40724.7), and also to add a provision to include negligibly emitting fuel cells as specific equipment not requiring a permit. Continuation is necessary to address substantive comments by United States Environmental Protection Agency (USEPA).

**CONFLICT OF INTEREST:** None

**BACKGROUND:** The MDAQMD has the authority pursuant to California H&S Code §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 219 – *Equipment Not Requiring a Permit* for inclusion in the current rulebook.

Previously, all agricultural activities were exempted from air district permitting by State law (former H&S Code 42310). Recently the federal government required the State of California to regulate, through permitting, many previously exempt agricultural activities. California responded by adopting SB 700 in 2003 provisions requiring air districts to adopt rules in part to regulate pollution from larger agricultural sources in the same manner as other non-agricultural sources with similar equipment. The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. This rule action is a part of the entire implementation of SB 700 which also includes the adoption of Rules 403.3 – *Agricultural Sources*, 1160.1 – *Internal Combustion Engines in Agricultural Operations*, 1186 – *Best Management Practices for Agricultural Sources*, and 1186.1 – *Combined Animal Facilities*.

This amendment will also add a provision to include negligibly emitting fuel cells as specific equipment not requiring a permit. This is a similar provision contained in neighboring air district rules.

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I, MICHELE BAIRD, CLERK OF THE GOVERNING BOARD OF  
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A  
FULL, TRUE AND CORRECT COPY OF THE RECORD OF  
THE ACTION AS THE SAME APPEARS IN THE OFFICIAL  
MINUTES OF SAID GOVERNING BOARD MEETING  
\_\_\_\_\_  
CLERK OF THE BOARD  
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

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A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 219 pursuant to the requirements of CEQA.

**REASON FOR RECOMMENDATION:** Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, Deputy District Counsel as to legal form and by Eldon Heaston, Executive Director on or before June 14, 2010.

**FINANCIAL DATA:** No increase in appropriation is anticipated.

**PRESENTER:** Alan De Salvio, Supervising Air Quality Engineer